

IN RE: PETITION FOR ZONING VARIANCE
S/S Tred Avon Road, 235' W
of Hatherleigh Road
(813 Tred Avon Road)
9th Election District
4th Councilmanic District
G. Andrew Bauer, III, et al
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners herein requested a variance to permit a rear yard setback of 18.75 feet in lieu of the required 30 feet for a proposed addition;

WHEREAS, by Order dated July 15, 1988, the Petitioners were granted the relief requested with restrictions which were conditions precedent to the relief granted therein;

WHEREAS, Restriction No. 2 of said Order makes reference to an accessory structure rather than the two-story addition proposed;

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County this 15th day of July, 1988 that Restriction No. 2 of the Order dated July 15, 1988 be and is hereby amended to read as follows:

"2) The existing dwelling unit with the proposed two-story addition shall remain a single-family dwelling. Petitioner shall not allow or cause this structure to be used or converted to a two-family dwelling."

All other conditions and restrictions set forth in the Order dated July 15, 1988 shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Thomas F. Comber, III, Esquire
People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 16, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
S/S Tred Avon Road, 235' W of Hatherleigh Road
(813 Tred Avon Road)
9th Election District - 4th Councilmanic
Petitioner(s): G. Andrew Bauer, III, et al
HEARING SCHEDULED: WEDNESDAY, JULY 13, 1988 at 2:00 p.m.

Variance to allow a rear yard setback of 18.75 feet in lieu of the required 30 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

IN RE: PETITION FOR ZONING VARIANCE
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9th Election District
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 18.75 feet in lieu of the required 30 feet for a proposed addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Counsel, Thomas F. Comber, III, Esquire. The Contract Purchasers of the subject property, James E. & Patricia J. Comber, did not appear but were also represented by Mr. Comber. There were no Protestants.

At the onset of the hearing, Counsel testified that the contract purchasers took title to and became the legal owners of the subject property on April 15, 1988.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 23, 1988

Case Number: 88-505-A

THE JEFFERSONIAN,

S. Zeke Orlan
S. Zeke Orlan
Publisher

33-75

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 22, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 22, 1988

88-505-A

TOWSON TIMES,

S. Zeke Orlan
S. Zeke Orlan
Publisher

52-20

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
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(813 Tred Avon Road)
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HEARING SCHEDULED: WEDNESDAY, JULY 13, 1988 at 2:00 p.m.
Variance to allow a rear yard setback of 18.75 feet in lieu of the required 30 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of July, 1988 that the Petition for Zoning Variance to permit a rear yard setback of 18.75 feet in lieu of the required 30 feet for a proposed addition as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment.

3) The Petitioner shall not allow or cause a business/doctor's office to be established on the subject property. Petitioner shall not allow office visits to the site or conduct his medical practice from the subject property.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ZONING DESCRIPTION

813 TRED AVON ROAD BALTIMORE, MARYLAND 21212

LEGAL OWNERS: G. ANDREW III & JONATHAN B. BAUER
CONTRACT PURCHASERS: JAMES E. & PATRICIA J. COMBER

Beginning on the south side of Tred Avon Road 20 feet wide, at the distance of 245 feet south of the center of Hatherleigh Road. Being the westernmost 5 feet of lot 54, all of lots 55 and 56, and the easternmost 5 feet of lot 57, Block 21, revised plat of the subdivision of Stoneleigh, Plat Book W.P.C. No. 8, Folio 85. Also known as 813 Tred Avon Road in the 9th Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 6/21/88
Posted for: Maxim
Petitioner: G. Andrew Bauer, III, et al
Location of property: S/S Tred Avon Rd, 235' W of Hatherleigh Rd
813 Tred Avon Rd
Location of Sign: Along Tred Avon Rd, across St. Paul Rd
Remarks: Nothing
Posted by: Nothing Date of return: 6/22/88
Number of Signs: 7

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 15, 1988



Dennis F. Rasmussen
County Executive

Thomas F. Comber, III, Esquire
Wright, Parks, Constable, & Skeen
Sun Life Building
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
S/S Tred Avon Road, 235' W of Hatherleigh Road
(813 Tred Avon Road)
9th Election District; 4th Councilmanic District
G. Andrew Bauer, III, et al
Case No. 88-505-A

Dear Mr. Comber:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosure
cc: People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1002.1(c) of the Baltimore County Zoning Regulations to allow a rear yard setback of 18.75 feet in lieu of the required 30 feet.

1. If we cannot expand approximately four to five feet from the existing structure, our proposed two-story addition would result in an unreasonably small family room and additional bedroom.
2. There is no other suitable location for building this addition.
3. There are many such additions in this community and our immediate neighbors are supportive.
- Property is to be posted and advertised as prescribed by Zoning Regulations.
- I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature: _____ Signature: _____
Address: _____ Address: _____
City and State: _____ City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____ Signature: _____
Address: _____ Address: _____
City and State: _____ City and State: _____
Attorney's Telephone No.: _____ Attorney's Telephone No.: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 23rd day of MARCH, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that proper notice be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of JUNE, 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 1/2 HR. (over)
MOR./EVE./NIGHT - NEXT TWO MONTHS
ALL OTHER: _____
REVIEWED BY: Nothing DATE: 6-15-88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 4-29-88

Thomas F. Conber, III, Esq.
Wright, Parks, Constable & Skeen
Sun Life Building
20 South Charles Street
Baltimore, Maryland 21201



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
S/S Tred Avon Road, 235' W of Hatherleigh Road
(813 Tred Avon Road)
9th Election District - 4th Councilmanic
Petitioner(s): G. Andrew Bauer, III, et ux
HEARING SCHEDULED: FRIDAY, JUNE 17, 1988 at 2:00 p.m.

Dear Mr. Conber:

Please be advised that \$100.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52936

DATE 7-13 ACCOUNT 1111111111

AMOUNT \$ 100.95

RECEIVED BY: G. Andrew Bauer, III

FOR: Printing 88-505-A

8 8175*****100251a #13.F

VALIDATION OF SIGNATURE OF CARRIER

and post set(s), there for each set not

OUTS,

Haines

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

Date: May 16, 1988

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions #88-480-A, 88-481-A, 88-482-A, 88-483-A, 88-484-A, 88-485-A, 88-486-A, 88-487-A, 88-488-A, 88-489-A, 88-490-A, 88-491-A, 88-492-A, 88-493-A, 88-494-A, 88-495-A, 88-496-A, 88-497-A, 88-498-A, 88-499-A, 88-500-A, 88-501-A, 88-502-A, 88-503-A, 88-504-A, 88-505-A

There are no comprehensive planning factors requiring comments on these petitions.

P. David Fields for P. Maxwell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat

88-505-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of March, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: G. Andrew Bauer, III, et al Received by: James E. Dyer
Petitioner's Attorney: Thomas F. Conber, III Chairman, Zoning Plans Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

April 22, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
S/S Tred Avon Road, 235' W of Hatherleigh Road
(813 Tred Avon Road)
9th Election District - 4th Councilmanic
Petitioner(s): G. Andrew Bauer, III, et ux
HEARING SCHEDULED: FRIDAY, JUNE 17, 1988 at 2:00 p.m.

Variance to allow a rear yard setback of 16.75 feet in lieu of the required 30 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: G. Andrew Bauer, III, et ux
James E. & Patricia J. Conber,
Thomas F. Conber, III, Esq.
File

Baltimore County
Fire Department
Towson, Maryland 21204-2686
494-4500

Paul H. Reincke
Chief

April 5, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: G. Andrew Bauer, III, et al Contract Purchase
Location: S/S Tred Avon Rd., 235' W. of Hatherleigh Rd.
Item No.: 333 Zoning Agenda: Meeting of 3/22/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

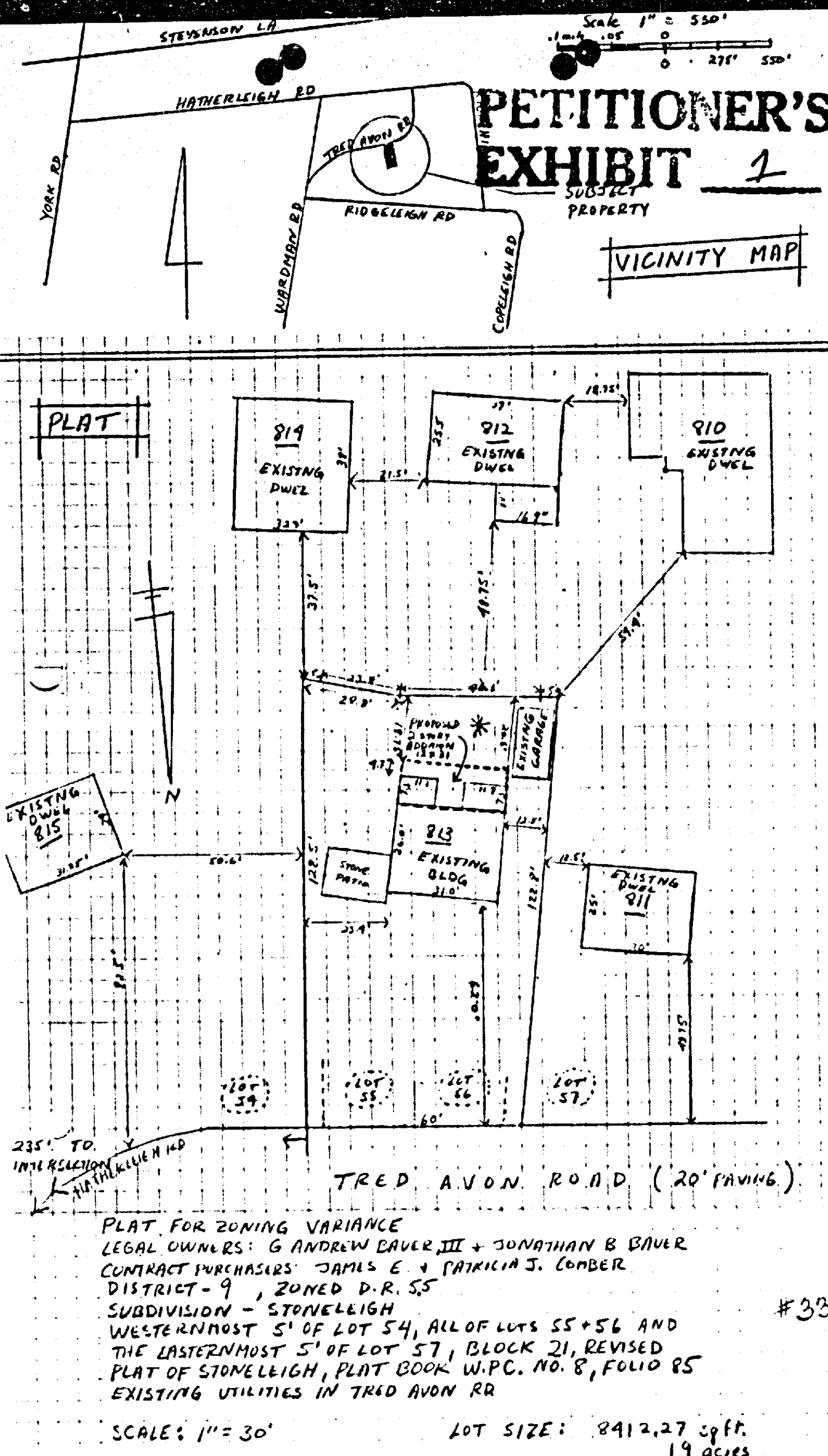
(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments this time.

REVIEWER: G. Andrew Bauer, III, et ux Noted and Approved: John F. O'Neill
Planning Group Special Inspection Division Fire Prevention Bureau

/31



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Thomas F. Conber, III, Esquire
Wright, Parks, Constable, & Skeen
Sun Life Building
Baltimore, Maryland 21201

RE: Item No. 333 - Case No. 88-505-A
Petitioner: G. Andrew Bauer, III, et al
Petition for Zoning Variance

Dear Mr. Conber:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

We the undersigned neighbors of the Conbers at 813 Tred Avon Road are familiar with and have no objection to their plans to build a two story addition on the back of their house. This addition would extend four and a half feet closer to the rear property line than the present structure, thereby reducing the rear setback to 16.7 feet.

B.G. Proctor, Jr. 811 Tred Avon Road
Mary Proctor
Stephanie Strange 814 Ridgely Rd
James J. Strange 814 Ridgely Rd
James Brashler 812 Ridgely Rd
Lenore Brashler 812 Ridgely Rd
Anthony P. Zipp 810 Ridgely Rd
Elizabeth A. Zipp
815 Tred Avon Rd

PETITIONER'S EXHIBIT 2

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3354

April 12, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 320, 324, 325, 326, 327, 328, 331, 333, 334 and 335.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

WCF/msh

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 15, 1988

Thomas F. Conber, III, Esquire
Wright, Parks, Constable, & Skeen
Sun Life Building
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
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9th Election District; 4th Councilmanic District
G. Andrew Bauer, III, et al
Case No. 88-505-A

Dear Mr. Conber:

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In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosure
cc: People's Counsel

File